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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/791,174 | 03/02/2004 | Thomas Ebner | TRW(AEC)7017 | 3172 |
| 26294 | 7590 | 04/05/2006 | EXAMINER | |
| TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114 | | | LEE, EDMUND H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1732 | |

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,174

Applicant(s)

EBNER, THOMAS

Examiner

EDMUND H. LEE

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Morita (USPN 5229905). Morita teaches the claimed process as evidenced by figs 1-7. It should be noted that window 6 overmolds part of body 2a.

3. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Morita (USPN 5094602). Morita teaches the claimed process as evidenced by figs 1-6. It should be noted that the window overmolds part of the body.

4. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Morita (USPN 5229905). Morita teaches the claimed process as evidenced by figs 1-7. It should be noted that window 6 overmolds part of body 2a. Morita also teaches that a window is provided to visibly ensure the winding condition of the magnetic tape therein--as a note, this teaching constitutes the claimed step of directing light. If light is not directed through the recessed volume and translucent area, a person cannot see the magnetic tape inside the casing.

5. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Morita (USPN 5094602). Morita teaches the claimed process as evidenced by figs 1-6. It should be noted that the window overmolds part of the body. Morita also teaches that a window is provided to visibly ensure the winding condition of the magnetic tape therein--as a note,

Art Unit: 1732

this teaching constitutes the claimed step of directing light. If light is not directed through the recessed volume and translucent area, a person cannot see the magnetic tape inside the casing.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (USPN 5229905). The above teachings of Morita are incorporated hereinafter. Morita, however, does not teach injecting the opaque component in a first mold and then injecting the colored component in a second mold. The use of separate molds to mold composite articles is well-known in the molding art. See class 264, subclass 250. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use separate molds for molding the body and the window of Morita in order to increase molding cycle by freeing up a mold.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (USPN 5094602). The above teachings of Morita are incorporated hereinafter. Morita, however, does not teach injecting the opaque component in a first mold and then injecting the colored component in a second mold. The use of separate molds to mold composite articles is well-known in the molding art. See class 264, subclass 250. Thus, it would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 1732

invention was made to use separate molds for molding the body and the window of Morita in order to increase molding cycle by freeing up a mold.

9. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (USPN 5229905). The above teachings of Morita are incorporated hereinafter. Morita, however, does not teach the layer of colored component being overmolded over the entire face of the blank; the recessed volume is void of any material therein; and the layer of colored component does not extend into the recessed volume. In regard to the layer of colored component being overmolded over the entire face of the blank, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed design feature is well-known in the cassette art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the claimed design feature in the process of Morita in order to produce a diverse product. In regard to the recessed volume is void of any material therein, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed design feature is well-known in the cassette art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the claimed design feature in the process of Morita in order to produce a diverse product. In regard to the layer of colored component does not extend into the recessed volume, such is a mere obvious matter of choice dependent on the desired final product and of

Art Unit: 1732

little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed design feature is well-known in the cassette art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the claimed design feature in the process of Morita in order to produce a diverse product.

10. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (USPN 5094602). The above teachings of Morita are incorporated hereinafter. Morita, however, does not teach the layer of colored component being overmolded over the entire face of the blank; the recessed volume is void of any material therein; and the layer of colored component does not extend into the recessed volume. In regard to the layer of colored component being overmolded over the entire face of the blank, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed design feature is well-known in the cassette art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the claimed design feature in the process of Morita in order to produce a diverse product. In regard to the recessed volume is void of any material therein, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed design feature is well-known in the cassette art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the

Art Unit: 1732

claimed design feature in the process of Morita in order to produce a diverse product. In regard to the layer of colored component does not extend into the recessed volume, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed design feature is well-known in the cassette art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the claimed design feature in the process of Morita in order to produce a diverse product.

11. Applicant's arguments filed 1/6/06 have been fully considered but they are not persuasive. Applicant argues that neither of the Morita references teaches overmolding at least the face of the blank in a manner to over span the opening of the face of the blank. This argument is misplaced because instant claim 1 is open-ended and Morita's teaching of overmolding a portion of the face of the blank is within the metes and bounds of instant claim 1. A requirement that the overmolding covers the entire face of the blank is incorrect since instant claim 1 is open-ended.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 1732

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPNs 4945440 and 5798899 teach cassettes having the claimed design features of the instant invention. USPN 5472655 teaches the use of separate molds to mold the body and window portions of an article.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL


4/27/06